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To: Judge James L. Shumate	From: Tim Kockler, Ph.D.
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Re: Warren Steed Jeffs	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments: Warren Steed Jeffs (case#0615008526).

Sincerely,

Tim Kockler, Ph.D.

Licensed Psychologist

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Scanned 30 Oct 07
Remains sealed
until hearing of
6 Nov 07
30 Oct 07

The undersigned opinion regarding Mr. Jeffs' competency to proceed is based on the following database:

Competency Evaluation**Re: State of Utah vs. Warren S. Jeffs****Page 2 of 7****Clinical Interview****Mini-Mental State Examination (MMSE)****Evaluation of Competency to Stand Trial—Revised (ECST-R)****Order for Inquiry into Competency of Defendant and Appointment of Examiners****Facsimile from Walter Bugden (04.05.07)****Petition for Inquiry as to Defendant's Competency****Amended Information****Washington County Jail Detailed Incident Report (03.28.07; 13 pages)****Washington County Jail Detailed Incident Report (03.28.07; 167 pages)****Purgatory Correctional Facility Patient Notes/Clinical Social Work Notes****RELEVANT HISTORY**

Information in this section was gathered from the clinical interview with Mr. Jeffs. Mr. Jeffs appeared to be a reliable historian; thus, the below information is likely to be an accurate representation of his upbringing.

Mr. Jeffs was born in Sacramento, CA, and raised in Salt Lake valley. Mr. Jeffs lives in Hildale, UT, with his wife. He reported fathering children. His mother is alive while his father is deceased. The defendant also reported having siblings.

Mr. Jeffs reported employment through the church. His longest period of employment is 10 years. He denied being laid off or fired.

Mr. Jeffs reportedly completed 12 years of formal education. He reportedly performed in the top 3% of his class. He denied participating in resource classes or repeating grades. He denied significant behavioral problems that would have led to detentions, suspensions, or expulsion. While in school, his social network consisted of friends and family.

Mr. Jeffs denied significant medical issues. Approximately 6 years ago, Mr. Jeffs underwent hernia repair.

Medications: Vitamins

Mr. Jeffs denied receiving inpatient or outpatient psychiatric treatment. He denied any family mental health history. He denied past suicidal and homicidal ideation; however, the correctional records would suggest otherwise. He commented, "My religion is one of peace." The defendant denied behaviors such as shoplifting, setting fires, harming animals, physical aggression, truancy, running away, defiance of authority figures, and destruction of property—criteria associated with oppositional and/or conduct disorders.

Mr. Jeffs denied past and current substance and tobacco use.

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Mr. Jeffs denied a juvenile and adult criminal record. Specifically, he denied ever being placed on probation or parole and serving time in jail or prison.

COMPETENCY TO PROCEED

Mr. Jeffs was interviewed on the morning of April 21, 2007, for approximately one hour and thirty minutes.

BEHAVIORAL OBSERVATIONS

Mr. Jeffs has short black hair and brown eyes. Mr. Jeffs is 6'3" tall and weighs approximately 135lbs. He appeared comfortable with the examiner and adequate rapport was established. Mr. Jeffs is right-handed. He was alert and responsive. He was oriented in all major spheres and no significant disturbances were noted in attention and concentration. Mr. Jeffs appeared his stated chronological age. Eye contact during the evaluation was appropriate. Mr. Jeffs was dressed in prison garb and his grooming and hygiene appeared to be adequate. No motor functioning deficits were observed. Gait was normal with respect to stride, stance and arm swing. No visual perceptual problems were reported.

Speech was normal with regards to volume, rate and tone. No auditory comprehension difficulties were apparent. No apparent disturbances in immediate, recent, or remote memory were noted. The defendant's intellectual ability was estimated to be in the average to above average range. Higher level cognitive abilities appeared intact. Affect was appropriate to the context. His mood was described as "encouraging." The defendant denied having both homicidal and suicidal ideation. His thought content was appropriate for the situation. Thought processes were linear and goal directed. No delusions were conveyed by the defendant. The defendant denied experiencing hallucinations and he did not appear to be responding to internally or externally generated stimuli. Records indicated self-injurious behavior. Judgment, reasoning and insight were adequate.

TEST RESULTS**MENTAL STATUS**

Mental status, as measured by the Mini-Mental State Examination (MMSE), was in the average range for his age and education. He obtained a score of 30 out of a possible 30 points. He was oriented in all major spheres (year, day of the week, date, month, season, state, county, city, building, and floor). He immediately recalled three words that were presented to him. Mr. Jeffs performed the serial 7s task without difficulty. After a short delay, Mr. Jeffs recalled all of the three previously learned words. He identified two objects to confrontation and repeated a short phrase. The defendant followed a 3-step command. He was able to write

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a sentence and follow simple written directions. Mr. Jeffs copied two geometric figures.

Recitation of U.S. Presidents: Bush, Clinton, Bush, and Reagan.

He correctly identified several current news events (e.g. VT shooting, Iraq War).

He correctly interpreted a simple proverb. Mr. Jeffs interpreted verbal concepts.

COMPETENCY TESTING

The ECST-R is an empirically validated semi structured interview designed to assess psycholegal domains relevant to the legal standard for competency to stand trial. The ECST-R consists of 18 items that yield scores for four scales that assess competency to stand trial: 1) Factual Understanding of the Courtroom Proceedings; 2) Rational Understanding of the Courtroom Proceedings; 3) Consult with Counsel; and 4) Overall Rational Ability. The test also screens for feigned incompetency.

Results from this testing revealed an individual performing in the normal range across all domains including factual understanding of the courtroom proceedings, rational understanding of the courtroom proceedings, ability to consult with counsel, and overall rational ability.

A) Does the person suffer from a substantial mental illness?

No. The defendant appears to meet the DSM-IV criteria for the following listed below psychiatric conditions.

DSM-IV Diagnostic Impressions:

Axis I: 311 Depressive Disorder NOS

Axis II: 799.9 Deferred

Axis III: none

Axis IV: incarceration; legal charges

Axis V: GAF = 60 (current)

B) Appreciation of Charges – Acceptable

Mr. Jeffs' ability to appreciate the seriousness of the charges facing him was acceptable. Mr. Jeffs reported the current charges as "2 counts of rape." He defined these charges as "They are accusing me of influencing someone to commit these crimes." Mr. Jeffs understands these charges are "1st degree felonies" punishable of "5 years to life." If incarcerated he understands that "Your freedom of coming and going is taken away." He believes these charges to be "serious." The defendant reported that a felony is more serious than a misdemeanor. Mr. Jeffs understands that the death penalty could not be imposed on the above-mentioned charges.

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C) Appreciate of the Range and Nature of Possible Penalties – Acceptable

Mr. Jeffs' appreciation of the range and nature of possible penalties associated with his charges is acceptable. Mr. Jeffs correctly identified several plea options including not guilty, guilty, and no contest. He defined not guilty as, "That I didn't do it." Mr. Jeffs defined guilty as, "I agree with the charges and get a sentence." He defined no contest as, "I don't agree with the charges, not able to prove innocence and will face the results of charges. Often times a plea bargain is involved." When asked to provide a working definition of not guilty by reason of insanity, he replied, "At the time of the crime the person was not capable of controlling self."

D) Understanding of the Adversarial Nature of the Legal Process – Acceptable

Mr. Jeffs' understanding of the adversarial nature of the legal process is acceptable. Mr. Jeffs correctly identified his counsel as Richard Wright, Walter Bugden and Tara Isaacson. The defendant reported his attorney's role as, "Succeed in defending my rights according to the law. Do all they can to prove me innocent or protect my rights. Represent me all they can." Mr. Jeffs understands that Judge Shumate oversees the court and "...make[s] sure all parties follow the law and keep order in court, and protect the rights of everyone according to the law. He also decides if evidence is admissible according to court rules." Furthermore, he stated that the Judge is "supposed to be neutral." The defendant commented that the prosecuting attorney brings charges against him, would like him to be found guilty, and receive the maximum sentence possible. He understands that it is not in his best interest to discuss the case with the prosecutor without his attorneys being present as evidenced by the following statement: "He would try to find evidence against me. He would use it in court." The defendant defined a plea bargain as, "Plead guilty or no contest for a lesser charge or sentence." Mr. Jeffs reported the role of the jury as, "Listen to the evidence according to the law and instructions by judge. They also decide innocence or guilt."

E) Capacity to Disclose Pertinent Legal Facts to Counsel – Acceptable.

Mr. Jeffs' capacity to disclose to his attorney pertinent facts surrounding the alleged offense is acceptable. It is important to note that Mr. Jeffs was very cautious answering questions in this area. He stated, "My attorneys advised me to not answer questions about the defense." Nevertheless, he reported a willingness to discuss the events surrounding the charges with his defense team. Mr. Jeffs stated that he has been working very well with his attorneys and denied any current disagreements. When asked how he would handle any disagreements, he stated, "We would discuss openly." Mr. Jeffs recalled his arrest and subsequent incarceration but would not divulge any additional information to the examiner.

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F) Engage in Reasoned Choice of Legal Strategies and Options – Acceptable

Mr. Jeffs' ability to engage in legal strategies is acceptable. Mr. Jeffs informed the examiner that he would discuss any offer made by the prosecution with his attorneys before making a final decision. When asked why this was a good idea, he commented, "Because they know the law and consequences better."

G) Ability to Manifest Appropriate Courtroom Behavior – Acceptable

Mr. Jeffs' ability to manifest appropriate courtroom behavior is acceptable. Mr. Jeffs understands that he cannot talk unless "invited by the Judge." When asked how you are supposed to act in the courtroom, he replied, "Behaved and quiet." During today's examination, he appropriately interacted with the undersigned examiner and there is no reason why he could not continue the same during the proceedings. When asked what would he do if a witness told a lie, he stated, "Tell quietly my attorneys." He denied any significant behavioral problems (e.g., fighting, yelling) while in court. Mr. Jeffs stated that he should wear a "suit and tie" to court. When asked what could happen if he acted out in the courtroom, he commented, "Contempt." He understands there is a penalty associated with contempt of court, as evidenced by this statement: "Usually prison sentence, fine or both."

Mr. Jeffs appears to have the capacity to testify if he so chooses. He defined oath as, "To tell the truth." The defendant defined perjury as, "To tell a lie with a penalty." Mr. Jeffs defined to plea the 5th as, "Don't testify against yourself. No self-incrimination."

H) Other Relevant Issues

None.

I) What is the impact of his mental disorder on his relationship with counsel?

The undersigned examiner had no problem working with the defendant and there is no reason why this could not occur with his defense team. He denied any current disagreements and reported positive working relationships.

J) Psychoactive Medications

Mr. Jeffs denied current medication use at PCF.

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FINDINGS AND OPINIONS

The following findings and opinions are based upon all information I have gathered and reviewed on the case. Subsequent information I have not seen may alter my opinions.

Based on the clinical interview, behavioral observations, and accompanying records, the undersigned examiner is of the opinion that Mr. Jeffs is competent to proceed to trial.

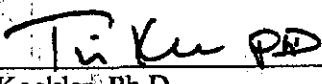
Mr. Jeffs meets DSM-IV criteria for Depressive Disorder NOS. Nonetheless, at the present time, the aforementioned diagnosis does not appear to be negatively impacting the defendant's competency status. Mr. Jeffs demonstrated a rational and factual understanding of the proceeding against him and he has the ability to consult with counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.

RECOMMENDATIONS: The following recommendations are suggested to the Court.

1. Mr. Jeffs should be returned to court to face his current charges.

Thank you for this most interesting referral. Should you have questions about this report, please feel free to contact me at 435-632-1445.

Respectfully submitted,

 PD 4/23/07
Tim Kockler, Ph.D. Date
Licensed Psychologist

Clinical Neuropsychologist
Director of Neuropsychology Services
Dixie Regional Medical Center

Certified Forensic Examiner, State of Utah
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Cc: Brock Belnap (prosecutor)
Walter Bugden & Tara Isaacson (Defense counsel)
Richard Wright (Defense counsel)